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President: Mr. Udovenko ..... (Ukraine)

The meeting was called to order at 10.15 a.m.

Agenda item 30

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General (A/52/342 and Corr.1 and Add.1)

Draft resolution (A/52/L.11)

The President: I call upon Mr. Ricardo Alarcón de Quesada, President of the National Assembly of People's Power of Cuba, to introduce draft resolution A/52/L.11.

Mr. Alarcón de Quesada (Cuba) (*interpretation from Spanish*): It is an honour for me to introduce draft resolution A/52/L.11 and explain why, in our opinion, it should be adopted by the Assembly.

For six years now the General Assembly has been analysing the need to put an end to the economic, commercial and financial blockade of the United States against Cuba. Five resolutions have been adopted by a vast majority of the Assembly, but the United States has ignored them and has continued to take further measures to strengthen the blockade and to commit further violations of the sovereignty of others. The arrogance and cynicism of that policy are without parallel.

In 1991, when the issue was considered for the first time, Washington went so far as to say that the blockade did not exist. On 21 August of that year, in an official document that was distributed here, the State Department was brazen enough to assert:

> "A blockade implies that the United States is taking action to prevent other countries from trading with Cuba. That is clearly not the case."

The truth is that by that date the United States had already been taking measures to prevent trade between Cuba and other countries for over 30 years, and that, to that end, it had established mechanisms and regulations and had taken illegal and interfering actions that had on many occasions aroused protests from other countries and motivated them to take legitimate countermeasures.

In 1992 the General Assembly adopted its first resolution demanding the end of the blockade. In that same year Washington had enacted the Toricelli Act, which specifically prohibits subsidiaries of American companies in other countries to trade with Cuba and prohibits the entry into United States ports of ships of any flag involved in trade with Cuba. In other words, not only does it seek to prevent trade between Cuba and other countries, it also violates the sovereignty of those countries. The inadmissible extraterritoriality inherent from the very beginning in its administrative regulations and the actions of its officials have taken on the character of law, spurious in itself.

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Every year since then the Assembly has reiterated its rejection of that policy, which is not only the worst of crimes against my people and a gross violation of international norms, but also an overt display of the most glaring disrespect for the rights, interests and feelings of humanity, including broad sectors of the United States itself.

In support of its conduct, Washington cannot cite a single intergovernmental, religious or trade-union organization. No other Government, parliament or political party endorses it. No institution, no decent person, in any part of the planet advocates it. The number and diversity of those all over the world who demand that it should stop are growing, as are the religious institutions, entrepreneurs and personalities who in the United States itself are joining in the universal protest. But Washington's reply could not be more obdurate.

In 1996, as if out of the Stone Age, there emerged the Helms-Burton Act. Its infamous text denies Cuba's independence and overtly proclaims the intention to dominate it totally, reviving the annexation plans of almost two centuries ago. This Act codifies all the regulations and practices that the world has now been rejecting for three decades and includes new and more unsound practices, to the detriment of international legality and the legitimate rights of other States, their enterprises and their citizens.

Now, in 1997, the circumstances are such as to oblige the international community to act more energetically and more consistently.

Since the passage of the Helms-Burton Act, the United States has been practising the most grotesque farce. It is trying to implement a perverse policy which it knows is irrational and indefensible. In the face of international rejection, it begins negotiations and makes commitments it does not intend to comply with. Lacking true leadership, its rulers acknowledge that they are serving only the vile interests of a small group and want the rest of the world to follow suit. Just a few weeks ago President Clinton, who is supposedly the leader of a super-Power, admitted that that policy is the responsibility of the most extremist elements in Miami.

A sorry task, that of the representatives of sovereign States, who try to negotiate seriously with those who are happy to fall prey to a municipal mafia. And this is confirmed by the facts. They announced with great fanfare the understanding signed with the European Union (EU) last 11 April, but they have done nothing to honour it. On that occasion they committed themselves to trying to bring about some minor modifications to the aforementioned law, but so far nothing at all has been done in this respect. On the contrary, in the course of this year many amendments and other proposals that would make the law even less admissible have been put forward in the United States Congress, some of them directly opposing the understanding with the EU, while others would establish sanctions against other countries in an attempt to universalize the measures originally conceived for Cuba.

Obviously, Cuba is not a party to the negotiations that, it is said, are taking place in relation to that law and its implementation. We know only what sometimes leaks out to the press. We must, nevertheless, make certain clarifications.

The hostility of the United States towards Cuba, including its first actions in the economic war that it has imposed on us, began before the nationalizations carried out by the Cuban revolution. Furthermore, these nationalizations were conducted in full compliance with international law and with our own legislation. They had the support of all the people, were not arbitrary or discriminatory and responded to profound needs and to the most legitimate interests of the nation. The legitimacy of these nationalizations was acknowledged by the United States Supreme Court in 1964, in a memorable decision in which it reiterated:

> "Every sovereign State is obliged to respect the independence of each of the other sovereign States, and the courts of a country must not judge the government actions of another country performed within its own territory."

Our laws contemplated proper, fair compensation for the former owners, regardless of their nationality, and those laws were strictly applied and are still in force. On the basis of those laws, the matter was satisfactorily resolved with the other States involved. The only exception was the United States, and this has been the exclusive responsibility of its leaders and of no one else. Washington has no right to place on the shoulders of others a problem that exists thanks only to its blind obstinacy.

As a matter of fact, the United States blockade against Cuba was not contrived to defend the interests of the former United States property-holders. If this had been the case, they would have accepted our sovereignty

and our laws as all the other States did, and as the United States did in cases of socialist countries or countries it considered enemies, including States whose existence it did not recognize. Maintaining the blockade for more than 30 years, far from benefiting those former property-holders, has harmed them. Its intensification now, with the new law, directly turns them into victims of those who supposedly represent their interests.

All one has to do is read the Helms-Burton Act to realize in whose benefit it was conceived, and which "property-holders" drafted it.

Besides setting up a plan for the colonial absorption of Cuba and seriously violating the rights of other States, the law introduces an element that radically changes even the traditional position of the United States. This makes it particularly abhorrent to the Cuban people and should arouse the strongest rejection from the other States and the United States entrepreneurs affected by it.

Washington's new position is no longer the alleged defence of those persons who were United States citizens when the nationalization laws were enacted in Cuba and who — as a result of their Government's conduct — were not compensated, as our own laws provided they would be. Washington's new position confers non-existent prerogatives on people who were Cubans when they were affected by our nationalization laws. This arbitrary equivalence constitutes a juridical absurdity, contradicts universal and American standards, and violates the United States Constitution by granting a special group of its citizens privileges that it does not grant the rest. It must be said that they have already been given a unique advantage by being permitted to recover through tax reductions the alleged value of the property that was nationalized before they had even obtained United States residency. This is a privilege that no one else has received in the history of the United States, and it means that all other United States taxpayers have been paying them for several decades now. How many times over have they collected the value of those properties? What are they still demanding?

But Washington's new stance goes even further. Batista's clique — his band of killers and torturers, thieves and yes-men, who illegally grew rich during the bloody regime that started to crumble on 1 January 1959 — are the main beneficiaries of this infamous deed. That date, incessantly repeated throughout the text, is the key to understanding the unfathomable moral abyss and the juridical idiocy of the Helms-Burton Act. According to it, the fierce blockade they have imposed on us will continue until the Cubans "return" the properties to those who lost them on 1 January 1959, and other States and their own subjects will be punished if they establish economic links with those properties.

Certain historical clarifications must be made here. The first revolutionary Cuban law which entailed nationalization was the Agrarian Reform Law, enacted on 17 May 1959. No revolutionary law was passed on 1 January 1959. On 1 January 1959, the Cuban revolution had not yet won power. It was still confronting the United States' attempts to save the old regime and, in order to prevent this, the people, convoked by Fidel Castro, began a general strike that brought victory a few days later.

What actually occurred that day was the flight of the tyrant and his main collaborators and their replacement by a military junta seeking to prevent the people's complete triumph. The fugitives had plundered the treasury and abandoned the lands, factories and other enterprises that they had illegally taken over through the abuse of power, theft and, often, the use of violence.

That band of criminals was described by *The New York Times* in an editorial of 3 January 1959 as

> "sadists and crooks in high positions and in the business world who had fattened by graft and corruption".

Those bandits, who totally controlled illegal gambling and the prostitution racket, also took over the State's resources and became the owners of numerous farms and urban lands, sugar mills, banks and financial institutions, and almost all the textile, chemical, steel and construction industries. The expropriation of those illegally acquired assets — actually their recovery by the nation — was an act of justice fully endorsed by all of Cuban society without exception. There were no protests or complaints by any foreign Government at that time.

The United States welcomed those people, protected them and turned them into its main instrument against the Cuban revolution, which they remain to this day. Washington now openly proclaims with shameless brazenness its identification with a tyranny that existed solely by its support in all fields. But to force the world to follow suit is, to say the least, a despicable aberration. To try to protect such criminals on the basis of their "property rights" is an offence to human dignity and an insult to honest entrepreneurs. For the United States to

condition the solution of its bilateral differences with Cuba on this is also to sacrifice the legitimate interests of its people and enterprises.

The arbitrary behaviour of the United States must come to an end. While it is true that this arbitrariness is at its most intense against Cuba, which the United States is trying to smother with a total blockade, the economic sanctions that Washington unilaterally imposes on other countries are currently multiplying. According to data published by that country's National Association of Manufacturers, from 1993 to 1996 the United States imposed 61 economic sanctions against 35 countries. In addition, there are 40 similar measures dictated against 18 countries by state and local Governments. Currently, 42 per cent of the world's population lives in countries suffering from this practice, which runs contour to the world trade system.

How far will this policy of attacking everyone go? How long must we put up with it? My delegation trusts in the world's ability to confront it. The vote of this Assembly will serve to confirm once again that there are many who are willing to defend the principles of justice and respect among nations.

The Cuban people will continue to resist and will never yield to the barbarous forces trying to annihilate it. We face a great challenge, but greater yet is and shall be our will to preserve the independence and justice won through many years of struggle and immense sacrifice by successive Cuban generations.

No one can take from us Cubans our houses, our lands, our factories, our schools, our hospitals. No one shall despoil us of our properties or our rights. The executioners and exploiters, definitively and forever defeated, shall never return. Cuba is not and never shall be a colonial possession of the United States.

Next year will mark one century since the United States' military invasion robbed Cuba of its independence and imposed a domination that ended once and for all in January 1959. Those in Washington who are still delirious with their imperial dreams should realize that it is high time they woke up.

Mr. Jele (South Africa): South Africa would again like to take this opportunity to express our view on the draft resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

The principles of the Charter of the United Nations, to which we are all bound, stress the equality of sovereign States as well as non-intervention and non-interference in their domestic affairs. As my delegation has stated before, the economic embargo against Cuba constitutes a gross violation of the basic norms governing international relations.

We therefore wish to reiterate our deep concern about its continued imposition. For decades, Cuba has been a victim of an economic embargo, an unjust measure which causes untold suffering to its people. We must all wonder what Cuba could have achieved for the social upliftment of its people with the resources spent circumventing the embargo.

South Africa and many other States continue to oppose the Helms-Burton Act, not only because it reinforces the embargo but also because of its extraterritorial nature, which is detrimental to those countries wishing to trade with Cuba. As we enter the twenty-first century, in this post-cold-war era Member States should refrain from actions and legislation which is incompatible with international law and the regulations of the multilateral trading system. We should all strive to build an equitable and non-discriminatory political and economic dispensation.

South Africa therefore encourages Cuba and the United States of America to settle their differences by means of earnest dialogue and negotiation. A process of constructive interaction, we believe, stands a better chance of promoting good-neighbourliness and peaceful relations among nations. South Africa therefore again supports the draft resolution under consideration by the Assembly.

The President: Before giving the floor to the next speaker, I should like to propose, if there is no objection, that the list of speakers in the debate on this item be closed this morning at 11 a.m.

It was so decided.

The President: I therefore request those representatives wishing to participate in the debate on this item to inscribe their names on the list of speakers as soon as possible.

Mr. Anum (Ghana): The delegation of Ghana has consistently expressed its opposition to the unjust economic, commercial and financial blockade imposed on

Cuba, which has adversely affected every aspect of the lives of the 11 million people on that island.

It is regrettable that, much against the will of the international community and in the face of appeals from its own allies to end the blockade, the United States has this year strengthened the Toricelli Act and its sequel, the Helms-Burton Act, with a series of amendments by the United States Congress. We are deeply concerned about the disastrous consequences of these actions on the people of Cuba and about the effects on foreign firms with business interests in that country.

The report of the Secretary-General (A/52/342) outlines the devastating effects of the economic blockade on the people of Cuba and particularly on the vital sectors of the economy, such as the health-delivery system and agriculture.

The delegation of Ghana will continue, as in the past, to voice its opposition to this embargo and to any other laws that violate the two basic principles of international law, namely, non-interference in the internal affairs of another country and the right of all nations to determine their own path of socio-economic development. Self-determination, we are all aware, is a precondition for nations to attain their highest aspirations. Cuba, like any other State, has this right and must be allowed free rein to exercise it.

The attempt by certain Powers to transplant their type of democracy lock, stock and barrel to developing countries without regard to their cultural and historical circumstances is one of the root causes of instability in the world. The ongoing search for an enduring system of government by most developing countries in Africa is based on the conviction that democratic institutions are most viable when they evolve and are not imposed on a society.

We are equally opposed to the internationalization of this bilateral conflict through laws which are calculated to impede legitimate trade and navigation between Cuba and third countries. We reiterate our conviction that a positive engagement of Cuba in the dynamics of regional cooperation and integration would be a more constructive approach. In this connection, the delegation of Ghana calls on the United States to heed the calls of the international community and create a conducive environment for dialogue based on mutual respect and due recognition of the principles of sovereignty and territorial integrity.

Mr. Forero (Colombia) (*interpretation from Spanish*): My country has always firmly rejected any action or provision that violates the Charter of the United Nations and that does not respect the fundamental principles of international law. We believe that at a time when the capacity to have free access to the international market is so crucial to the development possibilities of peoples, the adherence of all nations to the principles of free trade and freedom of international navigation is vital, and this applies particularly to those that obtain the greatest benefits from globalization.

An attempt to apply, on an extraterritorial basis, norms of domestic law is not only incompatible with international legality but also forms part of a new generation of unilateral actions that constitutes one of the most disturbing trends on the present international scene. Such actions are guided by motivations of an internal political nature and therefore introduce elements that are incompatible with what must be the constructive nature of inter-State relations.

I therefore wish to express Colombia's support for the draft resolution before us, in the spirit of helping to develop a free, healthy and transparent international trade system that allows the developing countries to work towards their economic and social development.

Mr. Kittikhoun (Lao People's Democratic Republic) (*interpretation from French*): It is most regrettable that the international community, for the sixth consecutive year, finds itself obliged to consider the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". This anachronistic blockade, whose extra-territorial impact is unprecedented in the history of international economic relations, still continues. It is true that in considering this issue, we should neither neglect nor ignore the difficult relations that exist between the countries. However, in this new era of international cooperation, we need hardly emphasize that the problems arising in any conflict situation, no matter how complex or thorny they are, can be resolved if the parties involved have the necessary political will. It is in this spirit, therefore, that my delegation wishes to participate in this debate and to make a positive contribution to it.

This 30-year-old blockade is nonsensical: it has no *raison d'être*, and in the final analysis serves the interest of neither of the two parties. Moreover, it assails the sovereignty of other States and freedom of trade and of

navigation. In our view, the blockade should end, and international efforts should focus on the assistance that this developing country, the Republic of Cuba, should receive to help reintegrate it into today's liberalized and globalized world economy.

Despite the difficult conditions it faces, the Republic of Cuba engages in active trade relations with the rest of the world. Indeed, more than 3,000 foreign companies from 125 countries trade with Cuba; more than 600 of them are represented in the island. The international community's firm determination to maintain varied economic relations with this developing country can be seen at the fifteenth Havana International Trade Fair, which opened on 2 November with the participation of more than 1,800 companies from 61 countries. We welcome this positive trend towards international economic cooperation and hope that it will continue in the interest of peace and development in that region and throughout the world.

The brave Cuban people, like all other peoples, has but one desire: to live in peace and to enjoy international economic and trading cooperation. In our view, it is unfortunate that an entire people, having committed no crime, should continue to face this blockade indefinitely and for reasons that are far from justified.

For all these reasons, it is high time that the two parties, the Republic of Cuba and the United States of America, demonstrated their wisdom by engaging in serious negotiations aimed at resolving this problem as quickly as possible. This would respond to the present world trend towards dialogue and international economic cooperation.

Mr. Ngo Quang Xuan (Viet Nam): This year, the General Assembly is once again considering the agenda item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". At past sessions, the General Assembly has adopted many resolutions under this item, requesting an immediate end to all policies of economic, commercial and financial blockade and embargo against the Republic of Cuba. Those policies are contrary to the basic principles of the Charter of the United Nations and are serious violations of international law, and particularly of freedom of international trade and navigation. At the same time, they run counter to the common desire of the international community to build healthy international relations on the basis of equality, mutual respect, non-discrimination and respect for the right of every nation to choose its way of development and to cooperate for development and prosperity.

The resolutions of the General Assembly, especially resolution 51/17, adopted last year by an overwhelming majority, reflect the deep concern of United Nations Member States and their strong opposition to the extraterritorial and confrontational nature of those policies and measures against Cuba. Despite this, however, the embargo against Cuba not only continues but, more seriously, has been further strengthened and extended since the Helms-Burton Act was promulgated. The tightening measures under that Act have caused greater difficulties in the daily life of the Cuban people and in their economic development and have impeded the normal trade relations of other countries with Cuba. The Act has therefore been strongly rejected by many countries.

Viet Nam shares the conviction that extraterritorial laws and regulations not only run counter to the principles of the United Nations Charter and international law, especially relating to respect for the sovereignty of States, but also adversely affect freedom of trade and navigation as well as the promotion of good relations among States for cooperation and development. States, whether large or small, are equally endowed with the inherent rights to self-determination and independence, to choose freely the path of their development and to determine their future and destiny. Viet Nam joins the world-wide call for an immediate end to the long-standing embargo imposed against Cuba. We continue to believe that differences and disputes between countries should be settled through dialogue and negotiations in a spirit of mutual respect, respect for independence and sovereignty, and non-interference in the internal affairs of States.

We further reaffirm our sympathy and solidarity with the people of Cuba, and will continue to support the Cuban people in their quest for national development and prosperity and in their efforts to overcome the consequences of the embargo. We further call for continued assistance to the Cuban people by the international community and United Nations agencies, and urge that measures be taken to ensure the effective implementation of the resolutions of the General Assembly under this item.

Mr. Tello (Mexico) (*interpretation from Spanish*): Because of its history and its convictions, Mexico cherishes peace, justice and equality. The principles of the United Nations Charter and of international law

constitute the fundamental standard of conduct for our relations with other States. That is why Mexico has neither enacted nor implemented legal provisions of an extraterritorial nature. My country has always rejected the use of coercive measures as a means of pressure in international relations.

My Government reiterates here that the scope of provisions such as the Helms-Burton Act and the recent initiatives to broaden its field of application are unacceptable in the light of international law. They constitute a violation of the purposes and principles of the Charter, are contrary to the principles contained in General Assembly resolution 2625 (XXV) on relations of friendship and cooperation among States and, in addition, run counter to the provisions of the document establishing the World Trade Organization.

Over the past five years the General Assembly has urged Member States to refrain from enacting and applying laws and measures of this nature. This appeal, which follows the imperatives of reason, law and ethics, must not go unheeded. Recent experience has given new evidence of the fact that on the basis of respect for the right of all countries to decide their own destiny, it is possible to work on and expand areas of cooperation and to deal with differences directly and openly, thus more effectively promoting interests and values.

The embargo against Cuba must be lifted. Channels of dialogue and of understanding must be opened. The fears and perceptions of bygone days must be left behind. Today the commitment solemnly undertaken in San Francisco to practise tolerance and to live together in peace as good neighbours is more relevant than ever. Globalization and interdependence call for this, even require it. It is in the interests of all to promote a more peaceful, prosperous and stable world, a world that is at the same time safer and committed to the law.

It is for all these reasons that the Mexican delegation will vote in favour of the draft resolution contained in document A/52/L.11.

Mr. Mamela (Botswana): The delegation of Botswana has read with keen interest the Secretary-General's report entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", contained in document A/52/342. My delegation wishes to express its appreciation to the Governments, as well as to the organs and agencies of the United Nations system, which responded to the Secretary-General's request to provide him with any information they could contribute to the preparation of the report before us today.

The economic, commercial and financial embargo against Cuba for a period of more than 30 years has wreaked havoc on that poor country and its people. There is ample evidence before this Assembly of the enormous damage caused to all sectors of the Cuban economy and the suffering inflicted upon the people of the country. The reports of the United Nations Children's Fund to the Secretary-General citing the ever worsening situation of women and children is illustrative in that regard.

United Nations General Assembly resolutions 47/19, 48/16, 49/9, 50/10 and 51/17 state unequivocally that Member States should refrain from promulgating and applying laws and measures which have extraterritorial implications and effects. These clearly infringe upon the sovereignty of other States and are therefore contrary to the letter and intent of the principles enshrined in the United Nations Charter. The enactment on 12 March 1996 of the Helms-Burton Act and other related legislation was, in our humble opinion, perhaps an unfortunate development. The Helms-Burton Act and subsequent legislation are in conflict with the generally accepted principles of international law and also run counter to the spirit of multilateral trade agreements under the World Trade Organization.

The blockade is estimated to have cost Cuba over $60 billion in damages up to 1995. Is it not ironic that a policy meant to punish Cuba is at the same time punishing American business? The import of the Helms-Burton Act is to prevent other States from developing business and trade ties with Cuba, while American businesses cannot do so either, due to the embargo.

Is it not time the United States reassessed its policy of over 30 years if it has not brought the desired results after such a long time? Is it not time that another strategy were employed by the United States to engage Cuba in a more positive dialogue about change in the country? Other countries have seen the merits of such engagement through doing mutually beneficial business with Cuba in the age of globalization and free trade. The reverse has not been helpful to date. Cuba has successfully defiected the effects of the embargo. The political system the embargo was and is intended to change in Cuba has become entrenched primarily because of the embargo.

Once again, the delegation of Botswana, whose friendship with both Cuba and the United States is second to none, would like to encourage the parties to this long-standing dispute to resort to dialogue, find a way of resolving their differences amicably and develop peaceful and friendly relations for the wider interests of international peace and security.

Mr. Kasanda (Zambia): My delegation is happy to participate in the consideration of the agenda item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

At the outset, let me place on record my appreciation to the Secretary-General for the report he has prepared to facilitate consideration of this agenda item.

As the record shows, Zambia has consistently voted in favour of resolutions on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. That pattern of consistency will be maintained this morning, when we will vote in favour of the draft resolution contained in document A/52/L.11, which is now before us.

Our support for this draft resolution, as for earlier ones, is based on principle. We believe it is not consistent with the principles of international law to promulgate and apply domestic laws and measures with extraterritorial jurisdiction. Such acts go against the principles of sovereignty and non-interference in other countries' internal affairs.

Zambia has a Joint Commission of Cooperation with Cuba, and through this Commission the two countries actively promote economic, scientific and technical cooperation for the mutual benefit of their peoples. Our bilateral cooperation with Cuba is in accord with the norms of international law and the basic principles of the Charter of the United Nations. We also use the Commission to promote dialogue on international issues of mutual concern.

Mr. Mra (Myanmar): The General Assembly has been considering the item before us since its forty-seventh session, and its continued consideration for the sixth consecutive year is a stark reminder that an appeal by the international community, however fervent it may be, even if it is for a just cause, is not always heeded. That is highly regrettable. The blockade imposed against Cuba in the context of the cold war is no longer justifiable. It should be abandoned once and for all.

Seen from the policy perspective, the embargo has actually failed to achieve the stated objectives, and its inhumane character has become only more and more obvious because of its devastating effect on the innocent population of Cuba, in particular on children and women. The United Nations Children's Fund (UNICEF), in a reply contained in document A/52/342, states that children's and women's health services in Cuba are being affected severely by the lack of essential materials and medical supplies. We consider it cruel and unfair that innocent people are being victimized for reasons no longer valid and sound. In our view, this is a policy absolutely incompatible with the stature of a permanent member of the Security Council, whose primary responsibility is to maintain international peace and security.

It is, however, encouraging and heartening to note that the Cuban people have stoically braved the increasing difficulties. In this regard, we commend the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, the United Nations Industrial Development Organization (UNIDO) and other United Nations organizations in Cuba for activities in their respective fields of competence to help the Cuban people overcome some effects of the embargo. While commending the Cuban people for their courage and tenacity in the face of the overwhelming difficulties, we must all continue to show our solidarity with the people of Cuba in their struggle against the difficulties brought about by the embargo.

Myanmar does not subscribe to any laws or regulations with extraterritorial effect. Furthermore, the use of economic sanctions as a tool of policy constitutes a flagrant breach of the United Nations Charter. Consistent with this position, and having regard to the friendly relations existing between the Union of Myanmar and the Republic of Cuba, my delegation will vote in favour of draft resolution A/52/L.11.

Mr. Marzuki (Malaysia): The issue before us this morning is of great importance, as it has serious implications for all Member States. Since the forty-seventh session of the General Assembly, Member States have rejected the use of unilateral trade measures to induce political reforms in another State. The previous General Assembly resolution on this item, 51/17, commanded the support of more than two thirds of the membership of the Organization, thus reflecting the wish of the overwhelming majority of Member States to reject

the extraterritorial nature of the Helms-Burton law and end the unilateral embargo on Cuba.

The relevant report of the Secretary-General, document A/52/342, contains the responses of 53 Member States and relevant organs and agencies of the United Nations system. Virtually all the responses call for the end of the unilateral embargo on Cuba, since the extraterritorial application of what is essentially a domestic law infringes on the sovereignty and legitimate interests of other States and is inconsistent with the provisions of the Charter of the United Nations.

Malaysia firmly believes that there is no justification for the United States to take unilateral trade measures against Cuba that also impinge on the right of other States to engage in free trade and navigation. The promulgation of the Helms-Burton law in the United States also contravenes the principles and objectives of the World Trade Organization (WTO) and creates a bad precedent which is detrimental to the promotion of international trade.

Malaysia firmly subscribes to the declaration of the Ministers for Foreign Affairs of the Non-Aligned Movement issued in New Delhi in April 1997 and the communiqué issued by the Coordinating Bureau of the Movement in June 1997. They reject the continued blockade against Cuba, which has lasted for over 35 years, and the legislative instruments on which it was based, particularly the Helms-Burton law, whose extraterritorial effects, like that of the D'Amato Act against Iran and Libya, violate the sovereignty and territorial integrity of the States affected.

In the interest of upholding the principles of international law, the Charter of the United Nations and the promotion of the freedom of trade, Malaysia, as in previous years, will vote in favour of the draft resolution.

Mr. Nagem (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The Permanent Representative is unable to make this statement, because of other commitments, so I shall deliver it on his behalf.

In previous sessions the General Assembly has had the opportunity to discuss the economic, commercial and financial embargo imposed by the United States of America against Cuba. It was hoped that the United States would respond to the calls of the General Assembly by lifting its embargo against the Cuban people. However, its response was totally different. Not only did the United States disregard the calls of the international community, but it further intensified its embargo by expanding its scope so as to make its application extraterritorial, with the result that its provisions now infringe the sovereignty of other States that have economic relations with Cuba.

This conduct explains the extent to which the United States disregards the will of the international community as expressed in numerous resolutions; it clarifies the dimensions of the thrust of the United States policy of imposing the types of behaviour it wants on the States of the world; and it defines the type of relations it feels those States have to establish with other countries.

The series of strict sanctions that the United States has been imposing on Cuba for about 40 years has inflicted devastating damage on the Cuban people, limited the capacity of the Cuban Government to import foodstuffs and drained major financial resources that could have been channelled towards raising the standard of living of the Cuban people. In the report [A/52/342], Cuba indicates that the embargo has meant that the Cuban people have been denied access to medicines and medical supplies that could save their lives. We believe that these immoral practices that have caused such suffering are not just a blatant violation of several aspects of human rights; they also provide sufficient proof to refute American claims that it respects international law and instruments governing relations among States and the freedom of trade. They also clearly show the United States approach based on besieging peoples, an approach that includes threatening and punishing States, their firms and their individuals to prevent them from dealing with peoples that refuse to submit to its hegemony, such as the Cuban people.

The Libyan people are among the peoples against whom the United States has unilaterally imposed sanctions similar to those imposed on Cuba. The sanctions imposed on us include those preventing United States firms from commercial dealings with Libya, denying Libyan students access to American universities, freezing funds in United States banks within the United States of America and abroad. Just as the United States Government expanded the scope of its embargo against the Cuban people by applying the Helms-Burton Act, it promulgated last year the D'Amato-Kennedy Act, which penalizes foreign individuals and firms investing more than $40 million in the development of oil and gas resources in Libya.

The United States has justified its embargo against Cuba with flimsy pretexts, which can only be considered intervention in the internal affairs of the Cuban people to force them to pursue certain policies that do not accord with their convictions and options. The United States justification for its coercive legislation against us is no different. The United States says that the conduct of Libya threatens American national security directly. If one is surprised at the United States behaviour with regard to the Cuban people, who have freely chosen their socio-economic system, it is easy to realize the degree of the triviality of the claim of the Libyan threat to the security of the United States. How can anyone believe that a small country such as Libya can be a threat to the security of any one State, let alone that of the most powerful State in the world, the United States of America, which is thousands of miles away from Libya?

However, let us review closely and briefly the question of who threatens the national security of the other. It has never been proved at all that we have harboured enmity for the United States or its people. It is the United States that has resorted to numerous means to undermine our stability. We did not freeze American funds or sanction commercial dealings. It is the United States that, since 1981, has been doing that to us. We did not strike at American cities, nor did we kill unarmed civilians. It was the United States of America that, in 1986, attacked our cities and killed many of their inhabitants in their sleep. We did not come to American coasts with our warships. It was the American fleets and aircraft carriers that cruised near our territorial waters. On the basis of these very few examples, perhaps the Assembly may wonder who threatens the national security of the other, we or the United States? Whose conduct constitutes such a threat to international stability that it is necessary to change such conduct?

We do not want to divert attention from the subject under discussion. We simply wanted to indicate that the suffering of the Cuban people under the embargo is not an isolated case. We also wanted to affirm that there is no validity to the American allegations against Cuba because what they accuse Cuba of they also accuse others of. Simply put, what they say is a ready recipe that can be applied against all States that reject the policy of hegemony and the attempts at subjugation. This is affirmed by the fact that, yesterday, the United States Administration imposed economic sanctions against the Sudan.

The Cuban people have decided to live freely on their land and under the sun, proud of themselves, defenders of their dignity and firm in their decisions, even if these run counter to the policy of their powerful neighbour. Such positions have offended the United States of America and provoked it to the point of making it resort to the imposition of the most severe sanctions against Cuba on flimsy pretexts and with indefensible justifications. Hence, my delegation will vote in favour of the draft resolution in document A/52/L.11 as an expression of our unlimited support for the Cuban people, who are confronting a super-Power that arrogates to itself the right to control the entire world.

Finally, the Cuban people, like all other peoples of the world, want to live in peace and dignity and to benefit from the fruits of their cooperation with other States. We believe that it is unjust that they should be punished and sentenced to more suffering. Although there are no indications that there is a retreat from the hostile United States policy towards Cuba, the spirit of reason may overcome the arrogance of power, prompting the United States to settle its disagreements with Cuba in a peaceful manner. The options are before the United States: either to settle its differences with Cuba in such a spirit, which will be a welcome position, or to persist in its policy based on embargoes and on attempts to destabilize the economic situation of that State. This will subject the United States to continuous protest and denunciation not only because this policy is based on the rule of force, a logic we reject, but because such practices run counter to the objectives of the United Nations and other norms of international law. They are also incompatible with the Charter in respect of the economic rights and duties of States and with all the trends towards the establishment of a better world of fruitful cooperation and mutual respect.

Mr. Andjaba (Namibia): On numerous occasions the Namibian Government has reiterated its displeasure at the wall of deprivation and isolation that has surrounded Cuba for so long. Similarly, for several consecutive years now, Member States of the United Nations have been responding widely on this matter, as well as stating clearly the invalidity of the application of measures with extraterritorial effects. Yet instead of efforts to end the economic, commercial and financial embargo imposed by the United States of America against Cuba, what we have seen is a further strengthening of the embargo and of the Helms-Burton Act, which has enhanced its extraterritorial nature.

The impact of the embargo on the population of Cuba is well documented. Furthermore, the response

submitted by the United Nations Children's Fund, among others, is telling. One can rightly ask, then, how much suffering should the people of Cuba endure before the lifting of this embargo? How many more lives should be lost through the unavailability of basic medicines and medical equipment before we heed the call?

The Government of the Republic of Namibia upholds the principle of non-interference in the internal affairs of other States. Hence, we view the Helms-Burton Act as a blatant violation of the sovereignty of States; a serious breach of the principles of the Charter of the United Nations, international law, freedom of trade and navigation; and a violation of the rules of the international trade system.

In Namibia's view, it is right for the international community to continue to reject the unilateral embargo against the people of Cuba. The children of Cuba are being deprived of a happy childhood by the effects of the embargo.

In this context, we will again vote in favour of the draft resolution on the "Necessity of ending the economic, commercial and financial embargo imposed by the United State of America against Cuba". The lifting of the embargo will benefit Cuba, as well as the international community.

Ms. Durrant (Jamaica): For the sixth consecutive year the General Assembly is considering the item "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". It is evident from the overwhelming support for previous resolutions adopted by the General Assembly that there is a wide measure of consensus on this issue within the international community.

Jamaica once again reaffirms its position that the embargo should be ended. We are opposed to the perpetuation of policies of confrontation, which give rise to continued tension in the Caribbean and impose artificial barriers to trade and cooperation in the region. We also cannot accept the extraterritorial application of national legislation, which runs counter to international law and the principle of the sovereign equality of States.

Jamaica enjoys friendly relations both with the United States and with Cuba, and we believe that a constructive process of bilateral negotiations and normalization would serve the interests of both sides and have a wide positive impact. It would remove the dangers of tension and conflict in the Caribbean and improve the prospects for peaceful development and integration in our region.

Accordingly, my delegation supports the content of the draft resolution contained in document A/52/L.11 and will vote in favour of its adoption.

Mr. Escovar-Salom (Venezuela) (*interpretation from Spanish*): The international community has made great strides in the field of economic and trade cooperation through constructive dialogue and the intensification of multilateral negotiations. It has also made significant progress towards the maintenance of international peace and security and the strengthening of democracy and international solidarity.

In a world that is advancing rapidly towards interdependence and globalization, the use of discriminatory commercial practices and the extraterritorial application of internal laws are not only unacceptable and incompatible with the norms of international law and the principles enshrined in the United Nations Charter, but are also a setback on the road to building a better future characterized by the integration and constructive interaction of all members of the community of nations.

The application of unilateral coercive measures is incompatible with the fundamental principles of international law that govern relations of friendship between peoples. It also impinges on the legal regime that defines economic and trade exchanges between States, as enshrined in the document establishing the World Trade Organization.

There is no place in an international order based on social and economic justice for the imposition of commercial, economic and financial restrictions by one State against another. It is inadmissible that bilateral political differences should be resolved by military or economic coercion or by any other type of pressure that undermines the sovereignty and independence of nations and acts to the detriment of the well-being of peoples.

Measures of this type, far from helping resolve political differences, provoke unnecessary confrontation and contribute to the deterioration of the quality of life of a population, without affecting the regime against which they are imposed. Their inefficiency is obvious. For this reason, my Government rejects this type of measure and believes that the blockade against Cuba must be lifted.

Venezuela is unswerving in its position that it is inadmissible, from a legal, political and economic standpoint, to impose unilateral coercive measures, and in its rejection of national laws that seek to produce effects beyond national jurisdiction, in third States.

The Heads of State and Government of the Rio Group, meeting in Asunción, Paraguay, in August 1997, expressed their rejection of the unilateral and extraterritorial application of national laws, as well as their concern at the growing tendency to impose on third States internal legislative measures, some of which constitute a flagrant violation of international law.

Once again, we emphasize that the promulgation of laws such as the Helms-Burton Act violates the principle of sovereignty and the legitimate interests of entities and citizens under the jurisdiction of third States, thus undermining the rules of free trade among nations.

For all those reasons, we will vote in favour of the draft resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, although that should not be interpreted as expressing the Government of Venezuela's support for any particular political regime, since we believe that the reasoning we have advanced against the blockade is valid regardless of the political situation of the countries against which such blockades are imposed. My country is a firm defender of democracy, as is enshrined in our national Constitution, but the search for and promotion of democracy must be based on valid courses of action accepted by international law and the international community and not on the application of coercive unilateral measures of indefinite duration. That is Venezuela's position.

Mr. Wehbe (Syrian Arab Republic) (*interpretation from Arabic*): In discussing the agenda item before us, my delegation would like to take the opportunity to re-emphasize the well-known position of the Syrian Arab Republic that there is a need to end the economic, commercial and financial embargo imposed by the United States of America against Cuba. Syria, prompted by its firm belief in the purposes and principles of the United Nations Charter, fully subscribes to the right of every State to full sovereignty and non-interference in its domestic affairs, as well as the need to respect the right of a State to choose freely its political, economic and social system in the light of the national interests it deems appropriate. Any decision taken by a given State that might undermine the sovereignty of another runs counter to the principle of respect for the sovereignty of Member States, as provided by Article 2 of the Charter.

With regard to the important draft resolution (A/52/L.11) now before the Assembly, we should like once again to state that the continued measures of embargo and sanctions imposed on Cuba can only further strangle the Cuban economy and thus inflict further suffering on the Cuban people. In addition, such actions can only deepen the differences between Cuba and the United States. We support the call for Cuba and the United States to engage in constructive dialogue to settle all problems on the basis of equality, mutual respect and good-neighbourliness. We also call for an end to the embargo that has been in force for over 30 year. The international community is unanimous in its belief that the embargo must end, for it has brought untold suffering to the people of Cuba. There are many recent examples. In this respect, the Assembly has heard numerous examples. Suffice it here to mention General Assembly resolution 51/17, for which there were 137 votes in favour and which represented a substantial democratic stimulus for the end of the embargo imposed against Cuba.

The new law enacted by the United States of America, the Helms-Burton Act, overrides national legislation in other countries, thus impinging upon the sovereignty of other States and ignoring the basic principle of respect for State sovereignty. It is a clear violation of the principles of the United Nations and international law, as well as principles of trade and navigation, and it runs counter to the codes of the international trade system. The international community has expressed in many forums its rejection of this Act — in the summit meetings of the members of the Non-Aligned Movement, in ministerial meetings of the States members of the Group of 77 and China and in meetings of the European Union and the Inter-Parliamentary Union. The most recent instance was the decision by the Latin American Council at its twenty-third Regular Meeting, from 6 to 9 October 1997, which called for a prompt end to the embargo imposed against Cuba and urged the Government of the United States to abrogate the Helms-Burton Act.

Cuba is not the only country affected by such embargoes. They have also affected Libya, and yesterday a new act was promulgated by the United States to impose economic sanctions against the Sudan.

Syria supports draft resolution A/52/L.11 in its entirety and wishes to emphasize once again its support

for the sovereign right of States guaranteed by the United Nations Charter, mutual respect among Member States, non-interference in the internal affairs of States and the realization of the principles of equity and justice.

Mr. Al-Hitti (Iraq) (*interpretation from Arabic*): The General Assembly has now been considering the effects of the unilateral economic blockade imposed by the United States against Cuba for several years. Each year the Assembly has adopted by an overwhelming majority a resolution asking the United States to abandon that policy, which is contrary to international norms and legality.

Although in every United Nations organ the representatives of the United States preach to other Member States about the importance of respect for United Nations resolutions, which represent the will of the international community and its legality, the United States of America shamelessly flouts those resolutions when it comes to unreasonable political measures adopted by the United States against some third world States.

We do not understand how the representatives of the United States can defend democracy and its consolidation in every region of the world without also giving due respect to the opinion of the overwhelming majority of the international community, which has constantly warned it of the injustice of the political measures it has taken against another United Nations Member State. The obstinacy with which the United States continues to pursue its hostile policy against Cuba makes its pronouncements on democracy and human rights a sham, the purposes of which are clear. Indeed, the coercive economic measures taken by Washington against Cuba are designed to violate the human rights of Cuban citizens to food, medicine and development and their sovereign right to choose their economic and political regime, as provided in the United Nations Charter and every internationally recognized principle of human rights.

Where does the United States stand on those most important principles that are laid down in the Charter and are currently reaffirmed in the context of the efforts to reform the United Nations? In particular, where does the United States stand on the need to use peaceful means to settle international disputes, to take preventive measures before crises worsen and erupt, and to reject the logic and the measures involved in blockades, threats, blackmail and interference in the internal affairs of independent countries?

Has the United States Government tried to apply these principles to solve its problems with Cuba in good faith, or does this Government consider that, when its own policies are concerned, it is above international laws? Does it consider that what applies to others does not apply to the United States? Are these not patent and flagrant examples of selective policies and double standards being applied to serious international problems?

It is very regrettable that the United States Government just yesterday imposed global sanctions against another United Nations Member State — the Sudan — in a completely unjustified manner and without any legal basis. This clearly shows that the United States is determined to persist in its current mistaken approach to its relations with other States.

All the reports of the specialized agencies and the non-governmental organizations show that economic and political coercive measures adopted by certain States against others — either unilaterally or under the cover of the United Nations — are completely devastating, because they cause serious, irreversible damage to the humanitarian, economic and social structures of the targeted countries. Worse, these measures are silent killers and have global and long-lasting consequences, especially for the most vulnerable sectors of society: children, women and the elderly.

All this impels us to live up to our responsibilities by calling on the States that are behind these measures to give up such disgraceful behaviour — behaviour that is contrary to the United Nations Charter and to the principles of international law. Indeed, silence and indifference will only encourage these States to persist in this kind of behaviour, thereby endangering international peace and security.

Finally, Iraq once again calls on the United States to settle this bilateral dispute through peaceful means, through direct negotiations. We urge the United States to renounce once and for all its threatening, arrogant rhetoric and to act in accordance with the peaceful principles in which its Government claims to believe. It should respect the principles of free trade that it preaches and the will of the international community, as embodied in the General Assembly and the United Nations Charter.

Mr. Tchoulkov (Russian Federation) (*interpretation from Russian*): Since 1992, the United Nations General Assembly has been reviewing the issue of the necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba. The results of the Assembly's discussions and the votes on the

relevant resolutions demonstrate the international community's increasing opposition to such unilateral coercive measures. Virtually all the world community regards the continuing commercial and economic blockade of Cuba by the United States as a manifestation of the outdated mentality of confrontation between blocs. Most of the States of the world express their disagreement with the attempts by the United States to tighten the embargo by involving the international community in it, through the implementation of the Cuban Liberty and Democratic Solidarity Act of 12 March 1996. This Act has been rightly described as discriminatory and incompatible with the norms of international law and the principles of free trade.

As a matter of principle, Russia cannot agree with the extension of the internal jurisdiction of States beyond their own territory, in violation of established rules of international law. Such arbitrary unilateral actions constitute, I would like to repeat, an anachronism of the confrontation era, and undermine the foundations of world economic relations. They are fraught with adverse humanitarian consequences and inflict damage on third countries.

The Russian Federation is seriously concerned by the recent attempts to step up the sanctions regime against Cuba, and also to exert pressure on third countries and certain international organizations with a view to curtailing their cooperation with Cuba. The maintenance of the embargo against Cuba is counter-productive and fraught with the most harmful consequences for the population of that country. It is impeding the fuller integration of Cuba into the international community and slowing down the democratic transformations and economic reforms that have begun there. In our view, the lifting of the United States commercial, economic and financial embargo against Cuba, in particular, and the normalization of United States-Cuban relations in general, would promote healthier international relations, and would facilitate Cuba's integration into international trade networks and thereby move it forward on the path to transformation. We believe that mutually acceptable solutions to the whole complex of Cuban-United States relations is both desirable and possible, and that they should be sought through constructive, bilateral dialogue and an expansion of the negotiation process between the two countries.

As far as the Russian Federation is directly concerned, it is guided strictly by the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation cited in General Assembly resolution 51/17. It accordingly reaffirms its intention to continue to develop normal commercial and economic ties with Cuba based on mutual interest and reciprocal benefit, and to establish these ties in strict conformity with generally accepted international norms, without any form of discrimination and on the basis of world prices.

Mr. Dogani (United Republic of Tanzania): I am reading the following statement on behalf of my Ambassador who, due to an emergency, is not able to be here in person.

> "The delegation of the United Republic of Tanzania is taking the floor in support of draft resolution A/52/L.11, submitted under agenda item 30 on the 'Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba'.
>
> "We regret that the item continues to be a matter of concern before this body. And yet, in spite of resolutions calling on the termination of the illegal embargo imposed on Cuba by the United States, the people of Cuba continue to endure suffering as a result. The evident lack of progress towards peaceful coexistence between the two States is a matter of grave concern to our country.
>
> "By supporting the draft resolution before us, we join other Members of the United Nations in reaffirming our commitment to the purposes and principles enshrined in the Charter of the United Nations and the prevailing norms of international law. We do so in opposing the unilateralism of the strong who wish to impose their will against the weak in serious breach of the principles of the United Nations.
>
> "We continue to be concerned that, instead of making progress towards dialogue, the United States is taking measures which only continue to drive the parties apart. The so-called Helms-Burton Act is one such unfortunate measure. The implications of that Act have had ramifications beyond the Republic of Cuba and it has been roundly rejected by the international community. Its attempt to claim extraterritorial application is a violation of the sovereignty not only of Cuba, but of other countries as well.
>
> "Our delegation continues to consider the embargo on Cuba to be illegal. It is a violation of

the Charter of the United Nations and of international law. We call on the United States to end the embargo and to build bridges with the Government of Cuba for their mutual understanding and the prosperity of their respective peoples."

The President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/52/L.11.

I shall now call on those representatives who wish to explain their votes before the voting. May I remind them that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Lucas (Luxembourg) (*interpretation from French*): I have the honour to speak on behalf of the European Union. For the European Union, the establishment of a democratic system of government in Cuba is a matter of priority. We continue to be concerned not only with the persistent absence of progress towards democracy, but also, in particular, with the exacerbation over the past few months of non-respect for political rights.

In its relations with Cuba, the principles of which were established by the common position adopted by the Council of the European Union on 2 December 1996, the European Union seeks to encourage in Cuba a process of transition to pluralistic democracy and multipartism, respect for human rights and fundamental freedoms, and a sustainable recovery and improvement in the living standards of the Cuban people.

Last year having been characterized by increasing violations of civil and political rights by the Government of Cuba and by the daily harassment of those who seek to bring democracy to Cuba by peaceful means, we wish to remind the Cuban authorities of their fundamental responsibilities with regard to human rights, in particular concerning freedom of expression and association. We condemn unreservedly the repeated violations of human rights that continue to occur in Cuba.

The European Union acknowledges the tentative economic opening undertaken in Cuba to date. We hope that this process will enable the country to move towards an economic system that will bring tangible benefits to the Cuban people and accelerate such a process. In fact, the Cuban Government must accept its part of the blame for the difficult economic situation faced by the Cuban people, even if this situation is in part due to the effects of the American embargo.

The policy pursued by the European Union regarding Cuba is not aimed at bringing about change by coercive measures with the effect of increasing the economic hardship of the Cuban people. For this reason, we have clearly demonstrated our opposition to the imposition of national legislation with extraterritorial effects. We consider such legislation to be unacceptable both in principle and in law.

Moreover, the Council of Ministers of the European Union adopted in November 1996 a regulation making compliance with the so-called Helms-Burton Act an offence. For the European Union and its member States, the United States' commercial policy towards Cuba is first and foremost the responsibility of the Governments of the two countries concerned. We are, however, strongly opposed to the extraterritorial effects of the United States embargo and of the Helms-Burton Act on the member States, enterprises, citizens and commercial interests of the European Union.

The European Union intends to pursue its contacts with the United States on this subject. It considers that, despite certain limited progress so far, this process should aim at obtaining satisfactory results concerning the non-application of extraterritorial legislation by the United States. In any event, the European Union reserves the right to take the appropriate measures necessary to defend its rights before international organizations.

The European Union cannot accept that the United States may unilaterally determine or restrict the Union's economic and commercial relations with any other State. As a result, the member States of the European Union will unanimously support the draft resolution before us today.

Ms. Cui Ying (China) (*interpretation from Chinese*): The General Assembly at its fifty-first session adopted resolution 51/17, reaffirming that all States should comply with their obligations under the United Nations Charter and international law. It called on them to refrain from promulgating and applying laws and measures that affect the legitimate rights and interests of other countries and urged those States that continued to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible. That resolution was adopted by an overwhelming majority of 137 to 3, fully

demonstrating the position of the international community on this issue.

Like many other countries, we have been hoping that the Government of the United States will heed the just call of the international community, renounce power politics and seek to resolve issues between States through constructive dialogue and negotiations. Regrettably, however, the international community has once again been disappointed. Instead of changing its course of action in accordance with General Assembly resolutions and internationally recognized norms of conduct, the United States of America, clinging to its erroneous policy, has moved to further strengthen such laws and regulations. This cannot but give rise to grave concern within the international community.

The United States embargo and blockade against Cuba has been going on for years, inflicting economic losses amounting to tens of billions of dollars and causing grave difficulties for Cuba's economic and social development, as well as its restructuring efforts. Sanction and blockade measures have led to the reduction of external investment, owing to the increased risks involved. The steep rise of market prices resulting from these measures has directly affected the improvement of the level of production and livelihood of the Cuban people, seriously damaging their welfare and health, especially that of women and children.

The cooperation between Cuba and relevant international organizations has also been adversely affected. Furthermore, the unilateral action of the United States has hampered normal economic contacts and trade relations between Cuba and many other countries, thus gravely encroaching upon the legitimate interests of third countries. By so doing, the United States Administration is also hurting the interests of American companies and individuals who desire normal economic and trade contacts with Cuba.

History has shown that any attempts, through economic and political pressure, to force other countries to abandon their right to choose their own model of development are doomed to failure. The cold-war era is over, and the cold-war mentality should also be abandoned. We hope that the United States Government will do some serious soul-searching, renounce confrontation and seek to settle its dispute with Cuba through dialogue.

For these reasons, China will vote in favour of draft resolution A/52/L.11.

Mr. Suamin (Indonesia): My delegation firmly believes that the settlement of disputes among States Members of the United Nations should be carried out through dialogue and negotiations guided by the provisions for the peaceful settlement of disputes contained in the Charter of the United Nations. We therefore view with serious concern the unilateral embargo on Cuba, which has profoundly affected its people, who continue to face formidable economic difficulties. Further compounding the situation is the new legislation with extraterritorial applications, which are incompatible with the principles and purposes of the United Nations.

The application of a domestic law of a certain State whose extraterritorial effects infringe upon the sovereignty and legitimate interests of other States is inconsistent with the purposes and principles of the Charter. In our view, there is no justification for a State's taking unilateral measures based on its national law to impinge on the rights of other States to engage freely in international trade and navigation, as this contravenes the objectives of the World Trade Organization.

The prolongation of punitive economic actions of such magnitude and for so long may well provoke a serious crisis not only for Cuba but also beyond, with its repercussions for regional peace and stability. It is for this reason that various international forums such as the meetings of the Ministers or Heads of State or Government of the Non-Aligned Movement have on many occasions called for an end to unilaterally imposed coercive measures which have an adverse impact on the lives of the people of Cuba. The reintegration of Cuba into regional and international life has now become an imperative and would be in conformity with the principle of the sovereignty of nations as well as those of the Charter and international law.

For these reasons, my delegation will vote in favour of the draft resolution contained in document A/52/L.11.

Mr. Petrella (Argentina) (*interpretation from Spanish*): The question and the application of sanctions always creates very delicate situations. As Argentina sees it, these situations are accentuated when the country affected is located in our hemisphere, when it is a developing country and when there are diplomatic relations based on shared historical origins of long standing.

In addition, in the specific case of the draft resolution before us for consideration, we have seen many legal opinions to the effect that unilateral measures cannot have an extraterritorial impact.

It is not possible, therefore, to support provisions that affect the legitimate interests of persons and entities, in particular when they have an impact on such important questions and clear-cut rights as flows of trade and investment. In today's world, freedom of trade and of communications, flexibility and dialogue are the most effective means of promoting change and democracy. We feel that to work against this reality is not the best way to attain these objectives.

For these reasons, Argentina supports the draft resolution contained in document A/52/L.11.

The President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/52/L.11.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, United States of America, Uzbekistan

Abstaining:

Estonia, Georgia, Kuwait, Latvia, Liberia, Lithuania, Morocco, Nepal, Oman, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Senegal, Tajikistan, the former Yugoslav Republic of Macedonia

The draft resolution was adopted by 143 votes to 3, with 17 abstentions (resolution 52/10).

[Subsequently, the delegation of the Democratic Republic of the Congo informed the Secretariat that it had intended to vote in favour.]

The President: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Konishi (Japan): At the outset, let me state that the Government of Japan remains gravely concerned at the current situation in Cuba with regard to democracy, human rights, basic freedoms of the individual and economic reforms, and continues to hope that the situation will be improved.

At the same time, however, Japan shares the concern expressed by other countries regarding the problem of the extraterritorial application of jurisdiction such as that arising from the so-called Helms-Burton Act. Since last year, my Government has been following closely the implementation of the legislation as well as the circumstances surrounding it, and its concerns remain unchanged. Thus, having considered the matter with the utmost care, Japan voted in favour of the resolution calling for the lifting of the sanctions against Cuba.

Although Japan supports the resolution, I believe it might be worth considering whether the General Assembly is in fact the most suitable forum in which to address this complex issue. I should like to stress that it is appropriate for Cuba and the United States to seek a solution through dialogue and thus call upon them to strengthen that dialogue.

Mr. Marrero (United States of America): The United States has long believed that economic sanctions are an essential foreign policy tool. While the United States prefers to use sanctions with multilateral support and participation when possible, we reserve the right to use unilateral sanctions when important national and international interests are at stake. Such is the case in Cuba.

The concern of the United States over Cuba results from the Castro Government's systematic denial of internationally recognized human rights and fundamental freedoms to the Cuban people. The overarching policy goal of the United States with regard to Cuba has remained clear: the promotion of a democratic transition on the island. In this context, we believe that as a sovereign nation the United States is entirely within its rights to refuse to engage in trade with a Government that as a matter of policy fails to uphold even the most basic rights of its citizens. The Cuban state security apparatus continues to violate fundamental freedoms and principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights, by using detention, the threat of long-term imprisonment, exile, physical injury, and the search and seizure of property to intimidate pro-democracy and human rights activists.

Year after year, the Cuban Government has manipulated the concerns expressed in this Hall to claim support for its repressive and failed policies.

Rather than accepting the mistaken premise of this resolution, the United States urges all nations committed to helping the Cuban people to work with us on devising concrete measures that peacefully advance democracy in Cuba. The United States is making a multilateral diplomatic effort to promote democracy in Cuba. This is the central thrust of our Cuban policy. We will continue to work with friends and allies in pursuit of that goal. A multilateral diplomatic approach as well as economic sanctions are necessary to urge a democratic transition in Cuba. But change in Cuba must come from within, led by Cubans on the island who recognize and challenge the problems and injustices of the current system. Peaceful pro-democracy and human rights activists, independent groups and individuals who are simply trying to present the people of Cuba with an alternative need the support of the international community.

The United States is providing that support. Over the past five years the United States has licensed over $2 billion in private humanitarian aid from United States non-governmental organizations and individuals for the people of Cuba. The international community may rest assured that these humanitarian efforts will continue.

We have heard much about the sufferings of Cubans and their inability to obtain medicines and medical help. The accusation that United States policy denies necessary medicine or medical supplies and equipment to the Cuban people is not true. The health care available to the average Cuban has deteriorated because the Cuban Government has directed its resources elsewhere. The Cuban Democracy Act of 1992 explicitly permits the export of medicine, medical supplies and equipment to Cuba by United States companies and their subsidiaries, provided that appropriate end-use monitoring arrangements are in place. Since 1992 the United States has approved 36 of 39 licence requests for medical sales. Thirty-one licences were for the commercial sales of medicines, medical equipment and related supplies to Cuba. Five licenses were for travel to Cuba by representatives of United States pharmaceutical companies to explore possible sales. During the same period, the United States has licensed over $227 million in humanitarian donations of medicines and medical equipment.

With the support of countries that share our strong commitment to advancing peaceful change, the Cuban people can begin the difficult journey towards a brighter future. The United States calls on this body to make every effort to advance the cause of freedom and human rights in Cuba and to increase support to those on the island who can be true agents of democratic change.

Mr. Valle (Brazil): I take this opportunity to reiterate the principles that have guided consideration of this issue by Brazil as we once again voted in favour of a draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

The settlement of disputes among States must be undertaken first of all through peaceful means. Any other forceful measures, such as sanctions or embargoes,

constitute an exception to this general rule. They should be resorted to only when all other means are exhausted and, in any case, should be firmly based on international law. Sanctions and embargoes that contradict international law, instead of contributing to the solution of a specific dispute, raise more tensions. If they affect the interests of third States, as in the case currently under the scrutiny of the General Assembly, the international community has even more reason for concern.

The so-called Cuban Liberty and Democratic Solidarity Act in force in the United States of America has been rejected in a number of international forums, including the Organization of American States, the Rio Group, the Ibero-American Summit and the Latin American Economic System. It is also inconsistent with the legal obligations of members of the World Trade Organization. Brazil joins this near-unanimity of the international community.

Mr. Duval (Canada) (*interpretation from French*): Canada has already stated its view that the problems affecting Cuba and Cubans are not solely the result of the embargo under discussion today. We are particularly concerned, for example, by the lack of respect in Cuba for the civil and political rights of Cuban citizens. Nonetheless, we voted in favour of draft resolution A/52/L.11, because Canada continues to feel the effects of United States efforts to exercise extraterritorial jurisdiction. Canada will continue to oppose measures to restrict the freedom of investment and trade of third countries, and will continue to challenge efforts, through measures that have extraterritorial effect, to make us change our policy.

Mr. Sáenz Biolley (Costa Rica) (*interpretation from Spanish*): My delegation voted in favour of draft resolution A/52/L.11, which calls for the lifting of the economic, commercial and financial embargo against Cuba. This position is based on our traditional and consistent policy in support of the principles of non-intervention and respect for the sovereignty of peoples.

Because we respect non-intervention and the self-determination of peoples, we reject all policies of interference in matters that it is solely for the Cuban people themselves to resolve. Here it is up to the Cuban people, solely and exclusively, to decide what to do. We may agree or disagree with what the Cubans decide to do or not to do, but it is not for us as third parties to use massive pressure to try to change the autonomous decisions of the Cuban people, especially when such measures damage the very conditions under which the inhabitants of the island live.

In that connection, Costa Rica is obliged to reject actions such as the Helms-Burton Act and other similar measures that involve the extraterritorial application of the laws of one State against the entirely legitimate activities of citizens of other States. It is frankly unacceptable to attempt to impose sanctions on individuals or companies for engaging in activities that are perfectly legal in the jurisdictions where those activities take place. Neither is it acceptable for a State to seek to limit freedom of trade among other members of the international community at a time when free trade is being characterized as the key to progress and development. Such acts are a clear violation of the principle of non-intervention, and their authors could bear international responsibility for them.

In addition, the attempt to apply this legislation cannot fail to cause unnecessary difficulties in both political and economic relations among our various nations. In this respect, we regret that an attempt has been made to limit trade and international economic activity without valid justification and in violation of the basic principles of this community of nations.

For these reasons, we associate ourselves with those who believe that these unilateral actions should be halted.

The President: We have heard the last speaker in explanation of vote.

I shall now call on the representative of Cuba, who wishes to speak in exercise of the right of reply.

May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

Mr. Alarcón de Quesada (Cuba) (*interpretation from Spanish*): We are witnessing the most recent manifestation of Washington-style democracy. The representative of the United States has announced what all of us already knew: that his Government will not be respecting the sixth resolution that, by a vast majority, calls for an end to the blockade against Cuba.

Once again, we are being told that a policy rejected by the General Assembly, because it violates international

law, the sovereignty of other countries and the legitimate interests and prerogatives of other States and their citizens, will continue to be practised. Inevitably, whoever defies the entire world in such a way is also committing an offence against human intelligence, and his language, as Ecclesiastes observed, must oscillate between folly and madness.

In the same statement in which he refers to the San Francisco Charter, he tells us that the arbitrariness, the extraterritorial measures and that the illegal actions in contravention of the Charter will continue. He talks about human rights while denying the right to life of 11 million Cubans, and he has the cynicism to mention a false and non-existent humanitarian assistance. This is the same Government that prevents Cuba — its children, elderly, women and sick people — rom getting essential medicine and medical equipment.

What is more, this crime against an entire people is being committed in the name of democracy. In the belief that they can govern the planet, they try to oblige others to copy their political system and to establish it as universal dogma. Democracy by imposition, enforced by embargoes, threats and pressure, seems to be the most recent device invented by the consumer society.

Curiously, those who pressure the rest of the world to copy their model are finding it increasingly difficult to convince their own citizens of its virtues. The ranks of those who do not believe, do not vote and do not participate in a system increasingly characterized by the commercialization of politics and the corruption of the politicians are swelling to ever greater numbers. The idea of government by the people and for the people is sound asleep, buried beneath an impenetrable layer of dollars in the Lincoln Bedroom.

The political system of Cuba is exclusively ours, by Cubans and for Cubans. In this system, it is the people that selects the candidates, elects its representatives, monitors their work and recalls them when it deems necessary. In my country, politicians are not auctioned off. We do not know the concept of buying and selling votes or renting candidates. Nor do we know the bribery and corruption that the United States system exudes through all of its pores. And that is the system they want to implant in Cuba after annihilating its people and destroying the nation.

Cuban democracy is not limited to the genuine participation of the citizenry in the electoral process. The people are the main actors in the leadership and control of society. No decision of national importance has been adopted without prior discussion with and approval by the entire population. This happens every day in factories, on farms, in educational centres and in communities, in respect of all problems and questions of concern to the people.

We do not intend to present ourselves as a model. We respect the right of others to develop their own system, just as vigorously as we demand that our system be respected. Whoever sincerely believes in democracy cannot take any other stance, and must struggle for the democratization of international relations, for the elimination of any manifestation of hegemony and domination and for full respect for national independence, the sovereign equality of States and non-intervention in their internal affairs.

Relations among States must be based on strict respect for these principles. Any vacillation, any inconsistency ends up doing damage to all.

The economic war unleashed by the United States against Cuba at the beginning of the 1960s led it to establish extraterritorial regulations and undertake clear acts of interference. Since then, its main allies and trade partners have declared their opposition to those measures. Nevertheless, Washington broadened those measures, and five years ago adopted a text significantly entitled "Cuban Democracy Act", the main thrust of which was to prohibit companies legally incorporated outside of the United States from engaging in any trade with Cuba. This prohibition was carried out, to our detriment, but it also damaged the sovereignty of main allies of the United States. Now, once again tarnishing the name of democracy with the Helms-Burton Act, it is attempting to strangle Cuba. But in order to do that, it arrogates to itself the authority to prohibit investments by other countries and imposes its arbitrary rules on them. Moreover, it absurdly and illegally punishes its companies, its businessmen and their family members.

It would be a serious mistake to think about the possibility of reaching agreement with the United States by sacrificing principles in the case of Cuba. Experience shows us quite the contrary. Only a consistent, firm attitude can oblige Washington to come to its senses.

In the last three years, while stepping up its blockade against Cuba, the United States also increased unilateral sanctions against other countries, adopting during that period sanctions equal in number to all those

it had applied since the Second World War. This irrational behaviour also harms the United States. A recent survey conducted by large American and European transnational corporations showed that as a consequence of this policy, 94 per cent of the American companies were harmed in their global operations, and 83 per cent saw their activities affected here. As for the Europeans, 70 per cent indicated that they would be forced to reduce their investments in the United States, and 65 per cent indicated that they would have to reduce employment in this country.

Extraterritoriality has been transformed into a new form of external aggression. Its weapons are laws, regulations and practices dictated by insolence and foolishness. The spirit of Munich, if it could be resurrected, could certainly not stop it. International law governs all and applies universally; otherwise, if one State is allowed to trample it capriciously, it ends up governing none. Sovereignty is an inviolable condition that States cannot renounce. It must be exercised properly, without illegal interference, or we run the risk of losing it entirely.

Countries can impose institutions and values only on peoples subjugated to colonialism. The colonial mentality and hegemony have nothing to do with democracy; they are essentially anti-democratic, as are the tendencies to make relations with the peoples of the South dependent on their willingness to copy the institutional forms of those who, with gross immodesty and obvious inaccuracy, imagine themselves to be in possession of absolute truth.

Cuba is and will remain a completely sovereign and independent country. That is why it is being subjected to such an implacable and prolonged economic war. But that war will fail because no one can ever defeat an emancipated people that is the real master of its country and its destiny, the true protagonist of its socialism and its democracy.

The President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 30?

It was so decided.

The meeting rose at 12.50 p.m.